THE HON'BLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION No.17044 of 1999

29-7-2005

Between:

V.Srinivasulu …Petitioner

AND

The Chairman-cum-Presiding Officer,

Industrial Tribunal-cum- Labour Court,

Anantapur & another …Respondents.

ORAL ORDER:

This writ petition is filed by the workman being aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court at Anantapur in I.D.No.317 of 1997, dated 22-2-1999.

It is the case of the petitioner that he was appointed as a Conductor under the service of A.P. State Road Transport Corporation and attached to Banaganapalli Bus Depot in Kurnool District. While he was conducting the bus on the route Banaganapalli to Kurnool on 24-9-1996, a check was exercised and a charge memo was issued on the spot. Basing on the charge memo, a charge sheet was issued. Having not satisfied with the explanation submitted by the petitioner, the respondent management had conducted a detailed enquiry into the matter. The Enquiry Officer, however, without properly appreciating the facts and circumstances of the case, held the petitioner guilty of the charge. Basing on the report submitted by the Enquiry Officer, the disciplinary authority issued a show cause notice proposing to remove the petitioner from the service of the Corporation. After receiving the explanation submitted by the petitioner, the disciplinary authority passed the order of removal

from service dated 25-2-1997. Aggrieved by the same, the petitioner filed an appeal and the same was dismissed. Having no other option, the petitioner filed a petition before the Industrial Tribunal under Section 2-A(2) of the Industrial Disputes Act which was taken on file as I.D.No.317 of 1997.

According to the petitioner, the Labour Court has not properly appreciated the facts and circumstances of the case and simply confirmed the findings of the disciplinary authority as confirmed by the appellate authority and rejected the claim without granting any relief. The same is arbitrary and illegal.

Though no counter affidavit is filed, the learned counsel for the respondent-APSRTC strenuously contended that the petitioner has involved in a misconduct which cannot be pardoned and no lenience can be shown. There is no illegality or irregularity committed by the Labour Court warranting interference of this Court under Article 226 of the Constitution of India.

I have given earnest consideration to the respective submissions made by the learned counsel on either side and perused the award under challenge and other material made available on record.

At the outset, I am of the opinion that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India, into the award passed by it. This is a case where the petitioner having collected the requisite fare of Rs.4.50p. from each of the passengers, who boarded the bus at stage No.1 and bound for stage No.5 issued unconnected tickets (used tickets) to 17 passengers instead of issuing the tickets which were supplied to him. Further, he had stolen the ticket block No.281/574500 of Rs.4.50p. denomination issued to another Conductor. The charges were proved in the enquiry in full and the disciplinary authority and the appellate authority accepted the same. The Labour Court after noticing the above facts, while rejecting the explanation submitted by the petitioner, held that the version of the workman stating that he was running temperature and issued tickets in giddiness to the passengers and fell down in the bus and again started issuing tickets and meanwhile one passenger in the bus found one running block of Rs.4.50p. denomination under the seat and gave it to the petitioner which were not verified by him with the way bill and issued the tickets from the said block which are unconnected, is nothing but a concoctable story and it cannot be believed. Apart from this, the past conduct of the petitioner is also not

clean as many as six punishments were suffered by him earlier for the similar misconduct of negligence. He was censured twice and his increments were deferred four times. From all this, it does not inspire confidence of the Court to say that the Labour Court has not properly exercised its powers under Section 11-A of the Industrial Disputes Act to grant any relief to the petitioner. The Labour Court has not committed any error calling for interference under Article 226 of the Constitution of India.

The writ petition is devoid of merits and is liable to be dismissed and is accordingly dismissed. No order as to costs.

29th July 2005. (C.V.RAMULU, J.)

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